

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CRIMINAL APPLICATION No 1088 of 1997

For Approval and Signature:

Hon'ble MR.JUSTICE M.S.PARIKH

=====

1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

HASAN RASUL MALEK

Versus

SUPERINTENDENT

Appearance:

MR MAHENDRA K PATEL for Petitioners

Ms.KN VALIKARIMWALA, A.P.P. for Respondents

CORAM : MR.JUSTICE M.S.PARIKH

Date of decision: 17/09/97

ORAL JUDGEMENT

Rule. Service of Rule waived by Ms.
K.N.Valikarimwala, learned A.P.P. for the respondents.

Heard. On 11.9.1997 following order was passed :

"Mr.M.K.Patel, ld. Advocate for the petitioner is
not present when the matter is second time called

out.

Ms.K.N.Valikarimwala, learned A.P.P. has taken instructions from the concerned Jail Authority and she accordingly submits that since the work of repairing is going on in the jail there is some hardship with regard to availability of space for the purpose of "Vazu" and offering of prayers. She further submits that it will take about a month for the completion of repairing work and the facilities, in respect of which the grievance is made, will be made available to the concerned prisoners. However, since Mr.M.K.Patel is not present the matter is adjourned to 15.9.1997."

3. Having heard the learned Advocate for the petitioner and having noted the aforesaid statement made by Ms.K.N.Valikarimwala, learned A.P.P. for the respondents, I am of the opinion that it will be of no use to keep this petition alive at this stage. In view of the statement recorded in the order dated 11.9.1997 this petition is disposed of as not surviving for the present. It will be open to the petitioner to move this Court in case the grievances are not attended to after the repairs in the jail premises are carried out.

Subject to this, Rule is discharged.

* * * * *

sas